

Notice of Allowability

Application No.

10/061,517

Examiner

JAMES C KERVEROS

Applicant(s)

HARRES, DANIEL N.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT filed 8/16/2004.
2. ☒ The allowed claim(s) is/are 1-5 and 8-14 (Renumbered claims 1-12).
3. ☒ The drawings filed on 16 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ALBERT DECADEY
SUPERVISOR & EXAMINER
JUL 10 2004

DETAILED ACTION

1. This Office Action is in response to Amendment filed 8/16/2004, in reply to the Office Action mailed on June 17, 2004.

Claims 1-14 were previously pending. Claims 6-7 are canceled.

Claims 1-5 and 8-14 are allowed.

2. Previous Office Action objections to claims and drawings are hereby withdrawn in view of the Amendment.

3. Examiner Interview

During a telephone interview, on 22 July 2004, with David Bowls, Attorney for Applicant, the Examiner stated that the inclusion of "signal transmitter transmits said attenuated chopped signal at a lower signal-to-noise ratio compared to transmission of said original binary-level waveform" in the proposed amendment, appears to overcome the prior art by Kingston (US 4808939), which is also included in the formal Amendment filed 8/16/2004.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

The prior arts of record taken alone or in combination fail to teach, anticipate, suggest or render obvious the claimed invention for a test signal attenuation circuit, including an attenuated chopped signal, which is fed to a signal transmitter and the signal transmitter transmits the attenuated chopped signal at lower signal-to-noise ratio compared to transmission of an original binary-level waveform, as amended by the independent claims 1 and 8.

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Also, independent claims 12 and 14, as amended, recite a test signal attenuation circuit and a method for developing an electrical test signal, not found in the prior arts of record taken alone or in combination, which fail to teach, anticipate, suggest or render obvious the claimed invention, including an attenuated chopped signal, which is fed to a signal transmitter and transmitting the attenuated chopped signal at lower signal-to-noise ratio with a higher bit error rate compared to transmission of an original binary-level waveform.

Consequently, independent claims 1, 8, 12 and 14 are allowed over the prior arts of record. Claims 2-5, 9, 10, 11-13 are directly or indirectly depended upon the independent claims and therefore are also allowable.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C KERVEROS whose telephone number is (571) 272-3824. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

U.S. PATENT OFFICE

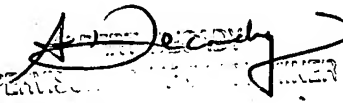
Examiner's Fax: (571) 273-3824

Email: james.kerveros@uspto.gov

Date: 17 November 2004

Office Action: AllowanceBy: 

JAMES C KERVEROS
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Art Unit 2133



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